

REMARKS

Claims 1 and 119-131 are pending in the application. Claim 1 has been amended to further clarify the present invention, support for which can be found at *inter alia*, Figure 6 in the specification. Claims 119-131 have been newly added. Support for the newly added claims 119-131 can be found in the claims as originally presented. No new matter has been inserted into the application.

Rejection Under 35 USC § 102(e) Over U.S. Patent No. 6,306,584 (Bamdad '584)

Claim 1 has been rejected under 35 U.S.C. § 102(e) as being anticipated by Bamdad '584. Applicant traverses this rejection. Reconsideration and withdrawal thereof are respectfully requested.

The Bamdad '584 patent fails to disclose or suggest co-immobilizing an oligonucleotide sequence (detector) and a biological or chemical species such as an antigen, ligand or antibody (target) on a single surface to detect the binding of the biological or chemical species to its binding partner by assaying for the oligonucleotide identifier. Accordingly, Bamdad '584 fails to anticipate the presently claimed invention.

Rejection Under 35 USC §102(a) and §102(e) Over U.S. Patent No. 6,110,687 (Nilsen '687)

Claim 1 has been rejected under 35 USC §102(a) and §102(e) as being anticipated by Nilsen '687. Applicant traverses this rejection. Reconsideration and withdrawal thereof are respectfully requested.

Nilsen '687 discloses a oligonucleotide string linked to an antigen. However, Nilsen '687 fails to disclose or suggest co-immobilizing an oligonucleotide sequence (detector) and

a biological or chemical species such as an antigen, ligand or antibody (target) on a single surface to detect the binding of the biological or chemical species to its binding partner by assaying for the oligonucleotide identifier. Accordingly, Nilsen '687 fails to anticipate the presently claimed invention.

Rejection Under 35 USC§ 102(b) Over Niemeyer (Analytical Biochemistry, 1997, 246:140-145)

Claim 1 has been rejected under 35 USC § 102(b) as being anticipated by Niemeyer. Applicant traverses this rejection. Reconsideration and withdrawal thereof are respectfully requested.

Niemeyer discloses a oligonucleotide string linked to an antigen. However, Niemeyer fails to disclose or suggest co-immobilizing an oligonucleotide sequence (detector) and a biological or chemical species such as an antigen, ligand or antibody (target) on a single surface to detect the binding of the biological or chemical species to its binding partner by assaying for the oligonucleotide identifier. Accordingly, Niemeyer fails to anticipate the presently claimed invention.

Rejection Under 35 USC§ 102(b) Over Hendrickson (Nucleic Acids Research, 1995, 23(3): 522-529)

Claim 1 has been rejected under 35 USC § 102(b) as being anticipated by Hendrickson. Applicant traverses this rejection. Reconsideration and withdrawal thereof are respectfully requested.

Hendrickson discloses a oligonucleotide string linked to an antigen. However, Hendrickson fails to disclose or suggest co-immobilizing an oligonucleotide sequence

(detector) and a biological or chemical species such as an antigen, ligand or antibody (target) on a single surface to detect the binding of the biological or chemical species to its binding partner by assaying for the oligonucleotide identifier. Accordingly, Hendrickson fails to anticipate the presently claimed invention.

Rejection Under Double Patenting Over U.S. Patent No. 6,306,584

Claim 1 has been rejected on the ground of nonstatutory obviousness-type double patenting as being obvious over claims 1-12 (Bamdad '584). Applicant traverses this rejection. Reconsideration and withdrawal thereof are respectfully requested.

Bamdad '584 claims a method of detecting target DNA-DNA binding, which is detected and assayed by electron transfer. In contrast, the presently claimed invention is directed to amplifying the detection of biological species by identifying the DNA tag that is associated with the biological species, wherein both the DNA tag and the biological species are co-immobilized on the same surface. Therefore, the claimed invention and Bamdad '584 are not obvious over each other.

Conclusion

It is believed that the application is now in condition for allowance. Applicants request the Examiner to issue a notice of Allowance in due course. The Examiner is encouraged to contact the undersigned to further the prosecution of the present invention.

The Commissioner is authorized to charge JHK Law's Deposit Account No. **502486** for any fees required under 37 CFR § 1.16 and 1.17 and to credit any overpayment to said Deposit Account No. **502486**.

Serial No. 10/756,802

**Patent
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Respectfully submitted,

JHK Law

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